

**DRAFT**

**FY 2017**

**REGION 8 ANNUAL COMMITMENTS**

**(RAC)**

DRAFT

*A REGIONAL APPROACH TO IMPLEMENTING THE  
FISCAL YEAR 2014 – 2018 EPA STRATEGIC PLAN*

## REGION 8 FY 2017 REGIONAL COMMITMENTS

### INTRODUCTION

This document outlines Region 8's approach for implementing the Fiscal Year 2014 – 2018 EPA Strategic Plan in FY 2017. The focus of the commitments is on the most significant work in the region, which the National Program Manager (NPM) measures may not fully capture. These commitments are priority focus areas for the Region and highlight work that may be unique to Region 8. The FMFIA risk level of each commitment area was also considered in identifying commitments; these risk levels are outlined in the Region 8 FY 2016 Federal Managers' Financial Integrity Act Program Review Strategies. This document aligns with the structure of EPA's Strategic Plan, to ensure Region 8 is working toward its collective mission of protecting human health and the environment. In preparing this document, Region 8 leadership held cross-programmatic discussions to identify potential commitments. Region 8 will use the full set of NPM measures, in addition to the Region 8 Annual Commitments (RAC), to evaluate regional efforts throughout the year.

### EPA'S 5 STRATEGIC GOALS

#### **Goal 1: Addressing Climate Change and Improving Air Quality**

*Reduce greenhouse gas emissions and develop adaptation strategies to address climate change, and protect and improve air quality.*

**Climate Adaptation Outreach and Technical Assistance to Vulnerable Communities:** Region 8 will continue implementing the climate adaptation outreach strategy it developed in FY 2015-2016 to partner with vulnerable communities to increase their adaptive capacity and resilience to the impacts of climate change. These impacts include increased temperatures, drought, heavy precipitation and floods, wildfires, retreating glaciers, and changing ecosystems. This climate adaptation work is a national and regional priority, and supported by Executive Order (EO) 13653: Preparing the United States for the Impacts of Climate Change issued in 2013, calling upon the Federal Government to work with state, local, and tribal governments to build resiliency to climate impacts.

- **Internal Involvement:** *Office of Partnerships and Regulatory Assistance (OPRA), Air and Water Programs; Office of Ecosystems Protection & Remediation (EPR); Office of Enforcement Compliance and Environmental Justice (ECEJ); Montana Operations Office (MOO).* Various program areas will assist in the implementation of the outreach strategy, including but not limited to drinking water, ecosystem protection, green infrastructure, tribal, disaster recovery, and sustainability.
- **Federal, State, Tribal, and Local Partner Involvement:** Various federal agencies, states, tribes and local governments may be partners in this work.
- **FY 2017 Regional Annual Commitment:** Report environmental outputs/outcomes achieved during implementation of outreach, training, planning activities, or other projects, that increase adaptation or resiliency to climate impacts. (*indicator measure; report narrative results*)

**Uinta Basin Air Quality Strategy:** Emissions from oil and gas development in the Uinta Basin are the primary cause for poor periodic air quality conditions. Region 8 observed high ozone levels over the last few years at numerous tribal and state air monitors in the Uinta Basin during winter inversions. To protect human health and the environment in this area, Region 8 will continue to implement its Uinta Basin air quality strategy. The strategy involves six areas: air monitoring, winter ozone study, Ozone

## REGION 8 FY 2017 REGIONAL COMMITMENTS

Advance, minor New Source Review (NSR) permitting of new oil and gas sources, permitting of the Deseret power plant, and community outreach. EPA will continue to work with the state of Utah and the Ute Tribe staff on the development of a basin wide emission inventory for oil and gas sources. In anticipation of the area being designated non-attainment for the 2015 ozone NAAQS, the emissions inventory will be critical for an accurate assessment of base-year emissions for 2015. The subsequent base-year inventory will be used for designations and the attainment demonstration. This work follows an initial 2014 oil and gas inventory completed in FY 2016 for the Uinta Basin. EPA is also considering a Reservation specific rule (FIP) for reducing Volatile Organic Compounds (VOCs) and Nitrogen Oxide (NOx) emissions from existing and new oil and gas sources to reduce emissions in Indian Country. Approximately 98% of all VOCs and 60% of all NOx emissions released in Uinta Basin, which mix to form ozone, are from oil and gas sources and it is estimated that approximately 75% of those sources are on the Uintah and Ouray Reservation. There are approximately 10,000 existing oil and gas wells producing in the basin without federally-required emission control. The FIP would reduce VOC emissions from oil and gas sources by almost 40%, or 41,000 tons per year. It would also be consistent with Utah's requirements for existing oil and gas sources on state land and create a level playing field for industry.

- **Internal Involvement: OPRA, Air Program;** Office of Regional Counsel (ORC); ECEJ, Air and Toxics Enforcement Program, Legal Enforcement Program (LEP) and Environmental Justice (EJ); Office of the Regional Administrator (ORA), Energy Advisor; OPRA, Tribal Assistance Program (TAP)
- **Federal, State, Tribal, and Local Partner Involvement:** Ute Tribe; the State of Utah; and Bureau of Land Management (BLM), as appropriate
- **FY 2017 Regional Annual Commitment:** 1) Measure environmental outputs/outcomes of the community outreach and minor NSR permitting areas. 2) For community outreach, measure environmental outputs by tracking the number of communities or community organizations in the Uinta Basin with whom Region 8 is working, including the amount of support provided to the state and tribe. 3) For enforceable controls resulting from this effort, continue to evaluate the reduction in emissions of VOC and NOx emissions in Indian country. Calculate the reductions in these emissions, which are the pre-cursors to the ozone pollution that periodically forms during the winter. (*indicator measure; report narrative results*)

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### Goal 2: Protecting America's Waters:

*Protect and restore waters to ensure that drinking water is safe and sustainably managed, and that aquatic ecosystems sustain fish, plants, wildlife, and other biota, as well as economic, recreational, and subsistence activities.*

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**Control Pollution from Phosphorus and Nitrogen:** Nutrient pollution is one of America's most widespread, costly, and challenging environmental problems, and is caused by excess nitrogen and phosphorus in the air and water. Significant increases in algae harm water quality, food resources, and habitats, and decrease the oxygen levels that fish and other aquatic life need to survive. Algal blooms can severely reduce or eliminate oxygen in the water, leading to illnesses and even the death of large numbers of fish. Some algal blooms are harmful to humans because they produce elevated toxins and bacterial growth that can make people sick if they are exposed to polluted water, consume tainted fish or shellfish, or drink contaminated water. Finally, algal growth from excess nutrients makes water treatment for drinking more expensive and difficult.

- **Internal Involvement: EPR, Ecosystems Protection (EP);** ORA, Agriculture Advisor; MOO;

## REGION 8 FY 2017 REGIONAL COMMITMENTS

Office of Communications and Public Involvement (OCPI)

- **Federal, State, Tribal, and Local Partner Involvement:** Support and partner with the Natural Resource Conservation Service (NRCS) to reduce nutrients that flow off the land into lakes and streams.
- **FY 2016 Regional Annual Commitment:** Enhance partnerships with NRCS and state non-point source programs, focusing on soil health projects in Colorado and South Dakota. (*indicator measure; report narrative results*)

**Direct Implementation of the Lead and Copper Rule for Public Water Systems:** EPA Region 8 regulates almost 1,000 public water systems in Wyoming and Indian country under its direct implementation authority, and the Lead and Copper Rule (LCR) applies to approximately half of those water systems. Following a national effort to review state implementation and share best practices in FY 2016, Region 8 learned additional ways to enhance its own implementation efforts.

- **Internal Involvement:** *OPRA, Drinking Water Units A and B; MOO*
- **Federal, State, Tribal, and Local Partner Involvement:** Region 8 tribes; Indian Health Services (IHS) area offices; Wyoming Department of Environmental Quality; Wyoming Association of Rural Water Systems.
- **FY 2017 Regional Annual Commitment:** As part of EPA Region 8's Direct Implementation responsibilities for the Safe Drinking Water Act, review current implementation practices and establish procedures to improve implementation of the LCR to ensure compliance samples better represent lead levels in drinking water, improve the timeliness of public education, increase system accountability for maintaining corrosion control treatment, and increase transparency overall. Provide training to public water system operators in Wyoming and Indian Country and create tracking and compliance determination processes. (*indicator measure; report narrative results*)

**Wetlands Protection at the State, Tribal, and Local Levels:** The goal of CWA Section 404 regulations is to restore and maintain the chemical, physical, and biological integrity of the waters of the United States through the control of discharges of dredged or fill material. Although these regulations apply to all waters of the United States, wetlands protection is a particular focus because of their important functions and serious historic losses. Regulatory review efforts only apply to some of the most damaging activities. Therefore, encouraging and helping states, tribes and local governments to protect wetlands by building public awareness of wetlands functions and through local land use decisions that take wetlands protection into account is essential to meet the no-net loss goals of EO 11990: Protection of Wetlands. A strategic goal of the Agency's Enhanced State and Tribal Program (ESTP) is to obtain wetlands protection through local land use planning. Wetlands grantees are strongly encouraged to reach out to local land use decision makers to describe the value of the grants products (e.g., mapping, identification, conservation tools) for understanding wetlands in their area for their land use planning. The priority of the FY 2016-2018 grants is for grantees to help local planners use wetlands functions to provide resiliency to climate change.

- **Internal Involvement:** *EPR, EP*
- **Federal, State, Tribal, and Local Partner Involvement:** Wetlands Program Development Grant Program grantees and any local partners that are identified during the activity
- **FY 2017 Regional Annual Commitment:** Evaluate Superfund networks for potential value to meet the strategic goal of the ESTP. Develop criteria to help identify potential communities that the ESTP could approach to discuss incorporating wetlands protection into land use decisions. Depending on this phase, Region 8 may reach out to selected communities to learn whether they

## REGION 8 FY 2017 REGIONAL COMMITMENTS

are interested in discussions about wetlands functions that could benefit their land use plans. Collect narrative results as an exploratory activity and provide quantification of actions that may result from outreach attempts. (*indicator measure; report narrative results*)

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### **Goal 3: Cleaning Up Communities and Advancing Sustainable Development**

*Clean up communities, advance sustainable development, and protect disproportionately impacted low-income and minority communities. Prevent releases of harmful substances and clean up and restore contaminated areas.*

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**Disposal of Coal Combustion Residuals from Electric Utilities:** The December 2014 final Coal Combustion Residuals (CCR) Rule, which established Resource Conservation and Recovery Act (RCRA) Subtitle D requirements for the safe disposal of coal ash from coal-fired power plants, is the subject of extensive national workgroup and regional implementation efforts. In FY 2017, there are two primary focus areas: ongoing activities supporting rule implementation and, resolution of national rule implementation issues. Both represent a tremendous resource investment for Region 8 and require significant coordination across, and some support from, regional programs. The ongoing FY 2017 supporting activities include CCR website information for open dumps and state solid waste management plans (SWMPs). An open dump is a unit which is out of compliance with the CCR rule requirements, and publishing a list of open dumps is a statutory requirement under the Rule. More than a third of Region 8 facilities lack the required website. Another area of support concerns the state SWMPs. Region 8 is working with Headquarters as part of the national SWMP Workgroup and is also working very closely with several of the Region 8 states on their SWMPs. Montana is one of only three states in the country currently working on both their SWMP and revised regulations. The other Region 8 states are working on revising their regulations to incorporate CCR, and may or may not revise or submit their SWMP to R8 for review and approval. In support of its state partner, Region 8 is participating in a series of Colorado Department of Public Health and Environment coal ash stakeholder meetings. In parallel with these ongoing supporting activities, Region 8 is working with Headquarters on national rule implementation issues. The biggest issues are dewatering of inactive CCR surface impoundments and CCR disposal in municipal solid waste landfills (MSWLFs). The discharge of the water is covered by National Pollutant Discharge Elimination System permits. While the CCR Rule does not apply to state-permitted MSWLFs that receive CCR, the rule identifies expectations for addressing fugitive dust, permit modifications to address groundwater monitoring and development of a CCR Acceptance Plans.

- **Internal Involvement:** *OPRA, Resource Conservation and Recovery Program (RCRP)*, Air, TAP, and Water Programs; ECEJ, Technical Enforcement Program (TEP); EPR, Technical Assistance Unit (hydrogeological support); ORC; Headquarters Office of Water (OW) and Headquarters Office of General Counsel (OGC); other EPA regions
- **Federal, State, Tribal, and Local Partner Involvement:** Region 8 states and tribes
- **FY 2017 Regional Annual Commitment:** Support FY 2017 CCR Rule implementation efforts including resolution of national implementation issues and close coordination with the Region 8 states on SWMPs and revised regulations. (*Indicator measure; report narrative results*)

**Libby Asbestos Superfund Site Property Cleanups:** Cleanup of the Libby Asbestos Superfund Site is a national priority. This is the only site in the history of the Superfund law for which a public health emergency was declared in 2009. Abating the pathways of exposure through engineered remedies is being funded via a special account that was created out of a consent decree with WR Grace, the

## REGION 8 FY 2017 REGIONAL COMMITMENTS

potential responsible party for the site.

- **Internal Involvement:** *EPR, Superfund Remedial*, ECEJ TEP & LEP; TMS, Lab and Fiscal Management & Planning (FMP) Program
- **State, Tribal, and Local Partner Involvement:** Montana Department of Environmental Quality (MDEQ)
- **FY 2017 Regional Annual Commitment:** Property cleanups completed at the Libby asbestos Superfund site. *(target: 70 property cleanups)*

**Planning and Preparedness through Area Contingency Planning:** Recent national significant incidents at chemical facilities and train derailments transporting Bakken crude highlights the need for an increased emphasis on planning and preparedness for emergency responses at the local, state and federal level. Region 8 Emergency Response and Preparedness developed and begun implementing a state of art technology effort, using geographic information systems and, updating sub-area contingency plans in coordination with local, state, federal entities and industry.

- **Internal Involvement:** *EPR, Emergency Response & Planning*
- **State, Tribal, and Local Partner Involvement:** Montana, Wyoming, Colorado, North Dakota and Utah and tribal governments in the sub-area basins
- **FY 2017 Regional Annual Commitment** Work with local governments, states, federal partners and regional response teams, tribal governments, and industry to develop geographic information system based contingency plans incorporating the latest technologies and information, providing all response entities with up to date and accurate facility and response information. *(indicator measure; report narrative)*

**State Voluntary Cleanups:** Region 8 state partners play a critical role in ensuring that contaminated properties are identified and cleaned up. Particularly, state voluntary cleanup programs (VCPs) provide an avenue for public and private parties to voluntarily identify and address contaminated properties, thereby achieving regulatory closure and ultimately returning vacant or underutilized properties back to safe and productive use. Through the annual funding of CERCLA 128(a) State Response Program Cooperative Agreements, Region 8 works closely with states which passed voluntary clean-up statutes (Montana, Wyoming, Colorado, and Utah) to identify, assess and incentivize the remediation of contaminated properties that do not trigger, or are otherwise not addressed by, traditional regulatory and cleanup programs. *NOTE: VCP participation is voluntary and the speed of assessment, cleanup and closures can slow due to economic and other circumstances beyond the control of state agencies*

- **Internal Involvement:** *EPR, ARP, Brownfields Team*
- **Federal, State, Tribal and Local Partner Involvement:** Montana, Wyoming, Colorado and Utah
- **FY 2017 Regional Annual Commitment:** Achieve regulatory closure at VCP enrolled properties. *(target: 60 cleanups)*

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### **Goal 4: Ensuring the Safety of Chemicals and Preventing Pollution**

*Reduce the risk and increase the safety of chemicals and prevent pollution at the source.*

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**Lead RRP Rule Place-Based Initiative:** EPA's Lead Renovation, Repair, and Painting (RRP) Rule aims to prevent lead-based paint exposure in vulnerable populations and requires contractors, who conduct RRP projects that disturb painted surfaces in homes and child-occupied facilities built before 1978, to be certified, trained, and to follow lead-safe work practices. Lead-contaminated dust, if inhaled

## REGION 8 FY 2017 REGIONAL COMMITMENTS

or ingested, can cause permanent brain damage to humans; pregnant women and children under age six are particularly at risk. The Region 8 Toxic Substances Control Act Lead RRP Place-Based Initiative was developed in FY 2015, and uses a cross-programmatic team to provide outreach and education, compliance monitoring, and enforcement follow-up in a geographic area over a discrete time period. In FY 2015, EPA developed a project plan that identified and targeted neighborhoods with demographic indicators that promote lead hazards and subsequent elevated childhood blood lead levels. In FY 2016, the Region continued implementation of its project plan, including utilizing appropriate enforcement response to detected noncompliance, analyzing results of the project's efforts, publicizing the results, and reporting on outputs and outcomes. In FY 2017, the Region will select a new geographic area to focus these ongoing efforts to implement the lead RRP rule.

- **Internal Involvement:** *OPRA, Partnerships and Environmental Stewardship Program (PES), Lead, Pesticides and Children's Health Unit*; ECEJ, Air and Toxics TEP, Toxics Enforcement Unit, and EJ; OCPI
- **Federal, State, Tribal, and Local Partner Involvement:** Appropriate state department of health and environment (TBD based on new geographic area), city, county departments of health, and non-profits
- **FY 2017 Regional Annual Commitment:** Select a new geographic area of focus and continue implementation of the RRP Place-Based Initiative project plan, including utilizing appropriate enforcement response to detected noncompliance, analyzing results of the project's efforts, publicizing the results, and reporting on outputs and outcomes. (*indicator measure; report narrative results*)

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### **Goal 5: Protecting Human Health and the Environment by Enforcing Laws and Assuring Compliance**

*Protect human health and the environment through vigorous and targeted civil and criminal enforcement. Use Next Generation Compliance strategies and tools to improve compliance with environmental laws.*

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**Civil and Criminal Enforcement Coordination:** Effective coordination between the civil and criminal enforcement programs is necessary in order to achieve greater deterrence through enforcement. Region 8 criminal enforcement counsels will continue to work with the Criminal Investigations Division (CID) to advance [National Enforcement Initiatives](#) and core enforcement work. Region 8 will coordinate with CID during the enforcement process (including at case screening) so that decisions to prosecute civilly or criminally are based on the best way to respond to the violation and limited resources can be leveraged to develop cases in a timely manner. Through effective coordination, Region 8 and CID can advance the Office of Enforcement and Compliance Assistance overall national goal of tough civil and criminal enforcement for violations that threaten communities and the environment and, leverage limited resources to publicize results and develop cases in a timely manner.

- **Internal Involvement:** *ECEJ, LEP and TEP*; CID; MOO; and OCPI
- **Federal, State, Tribal, and Local Partner Involvement:** All state and tribal partners where enforcement activities occur.
- **FY 2017 Regional Annual Commitment:** Report specific outcomes associated with civil and criminal enforcement coordination. (*indicator measure; report narrative and quantitative results*)

**Indian Country Enforcement, Compliance Assistance, and Capacity Building:** Continue to provide

## REGION 8 FY 2017 REGIONAL COMMITMENTS

leadership in protecting public health and the environment within Indian Country through enforcement and assisting the tribes in building capacity for their environmental programs, including tribal solid waste activities. This work is consistent with EPA's trust responsibility to federally-recognized Indian tribes and EPA's mission to protect human health and the environment.

- **Internal Involvement:** *ECEJ, PJ*, LEP, and TEP; OPRA, RCRP and TAP; ORC; MOO; and OCPI
- **Federal, State, Tribal, and Local Partner Involvement:** Region 8 tribes; IHS circuit riders
- **FY 2017 Regional Annual Commitment:** Report specific outcomes associated with compliance in Indian country through both informal and formal enforcement activities, e.g., environmental benefits and public health benefits to communities in Indian Country. In addition, report number of, and outcomes related to, compliance assistance plans issued and technical assistance provided. *This commitment is also related to Goal 3: Cleaning up Communities and Advancing Sustainable Development. (indicator measure; report narrative and quantitative results)*

### EPA'S CROSS-AGENCY STRATEGIES

The Fiscal Year 2014 – 2018 EPA Strategic Plan includes four cross-agency strategies designed to change how we work, both internally and externally, to achieve the outcomes articulated in the Plan. The four strategies are:

- Working Toward a Sustainable Future;
- Working to Make a Visible Difference in Communities;
- Launching a New Era of State, Tribal, Local, and International Partnerships; and
- Embracing EPA as a High-Performing Organization

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#### **Working Toward a Sustainable Future** (*Sustainability*)

*Advance sustainable environmental outcomes and optimize economic and social outcomes through Agency decisions and actions, which include expanding the conversation on environmentalism and engaging a broad range of stakeholders.*

#### **Working to Make a Visible Difference in Communities** (*Communities*)

*Align community-based activities to provide seamless assistance to communities, both urban and rural, while maximizing efficiency and results. Expand support of community efforts to build healthy, sustainable, green neighborhoods and reduce and prevent harmful exposures and health risks to children and underserved, overburdened communities.*

#### **Launching a New Era of State, Tribal, Local, and International Partnerships** (*Partnerships*)

*Strengthen partnerships with states, tribes, local governments, and the global community that are central to the success of the national environmental protection program through consultation, collaboration, and shared accountability. Modernize the EPA-state relationship, including revitalizing the National Environmental Performance Partnership System and jointly pursuing E-Enterprise, a transformative approach to make environmental information and data more accessible, efficient, and evidence-based through advances in monitoring, reporting, and information technology.*

#### **Embracing EPA as a High-Performing Organization** (*HPO*)

*Maintain and attract EPA's diverse and engaged workforce of the future with a more collaborative work environment. Modernize our business practices, including through E-Enterprise, and take*



## REGION 8 FY 2017 REGIONAL COMMITMENTS

*advantage of new tools and technologies. Improve the way we work as a high-performing Agency by ensuring we add value in every transaction with our workforce, our co-regulators, our partners, industry, and the people we serve.*

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**Children's Environmental Health** (*Communities, Partnerships*): EO 13045: Protection of Children From Environmental Health Risks and Safety Risks addresses the Agency's priority and mission to ensure Agency actions and programs further the protection of children's environmental health. The Office of Children's Health Protection's (OCHP's) FY 2015-2018 Strategy for Protecting Children's Environmental Health integrates children's health into the EPA Strategic Plan framework. The national strategy includes explicit children's environmental health objectives, measures, and indicators for OCHP, other Headquarters program offices, and regions, under the five goals and the four cross-agency strategies of the Fiscal Year 2014 – 2018 EPA Strategic Plan. In FY 2017, Region 8 will report to OCHP on the implementation of the regional program measures identified in the national strategy. This work also supports the Agency's Theme of Making a Visible Difference in Communities across the Country and will ensure EPA actions and programs further the protection of children's environmental health.

- **Internal Involvement:** *OPRA, PES, Lead, Pesticides and Children's Health Unit*, all Region 8 programs
- **Federal, State, Tribal, and Local Partner Involvement:** Region 8 state departments of environmental quality, state departments of health, and tribal environmental offices
- **FY 2017 Regional Annual Commitments:** Target regional children's health work, per the CEH Region 8 Strategy, to ensure that the work aligns with the children's health measures. Report to OCHP results of regional measures as identified in the Strategy for Protecting Children's Environmental Health. Report significant outcomes through the RAC reporting process. *(indicator measure; report narrative results)*

**Community Involvement Skills** (*HPO, Communities*): Public education and outreach can open up opportunities to inform the public about EPA's actions and, how and when the public can best engage. Region 8 will assess public outreach and involvement, including in EJ communities, of Region 8's media programs and identify opportunities where the Region can broaden community involvement and public outreach.

- **Internal Involvement:** *OCPI*; ECEJ, EJ; all media programs
- **Federal, State, Tribal, and Local Partner Involvement:** N/A
- **FY 2017 Regional Annual Commitment:** Report activities completed and outcomes achieved by evaluating options for leveraging community involvement skills across Region 8 media programs. *(indicator measure; report narrative results)*

**Crisis Communication Skills, Tools and Capacity** (*HPO*): Crisis communications is an essential function of the incident command when responding to environmental emergencies. Region 8 will increase public information officer training and exercises, act on lessons learned, and build out and implement a crisis communications toolkit. A national task force commissioned by the Administrator will also be implementing communications strike teams which Region 8 will support. As partners in incident command, dealing with the media, congressional representatives, and the community is critical to protecting human health and the environment.

- **Internal Involvement:** *OCPI*; EPR
- **Federal, State, Tribal, and Local Partner Involvement:** Headquarters Office of Land & Emergency Management; Headquarters Office of Public Affairs

## REGION 8 FY 2017 REGIONAL COMMITMENTS

- **FY 2017 Regional Annual Commitment:** Report activities completed and outcomes achieved by implementing enhanced crisis communications in Region 8. (*indicator measure; report narrative results*)

**Environmental Justice Action** (*Communities*): Region 8 aspires to ensure that all people in Region 8 enjoy equal protection from the burdens of environmental pollution and equal access to environmental decision-making processes by integrating EJ into the programs, policies, and actions. Further, Region 8 builds partnerships with external stakeholders for mutual learning, to leverage resources, to build capacity in identifying EJ issues, and to collaborate addressing these issues. In FY 2017, Region 8 will implement its EJ Action Plan which provides a roadmap to guide Regional action in support of EJ. Measures of success will help the Region identify EJ activities and assist with tracking progress. The plan supports the Agency's Cross Agency Strategy for Working to Make a Visible Difference in Communities.

- **Internal Involvement:** *ECEJ, PJ*; Region 8 EJ Action Team; all Region 8 programs
- **Federal, State, Tribal, and Local Partner Involvement:** Region 8 state departments of environmental quality and Region 8 tribes
- **FY 2017 Regional Annual Commitments:** Implement the Region 8 FY 2017 EJ Action Plan and report results of implementing the plan. (*Indicator measure; report narrative results.*)

**EPA Tribal Environmental Plans** (*Partnerships*): Under the Indian Environmental General Assistance Program, tribes and regions are expected to develop EPA Tribal Environmental Plans (ETEPs), which are strategic planning documents, with the following components: identification of tribal environmental program priorities; identification of EPA program priorities and management requirements; an inventory of regulated entities; and identification of mutual roles and responsibilities. The ETEPs developed in FY 2015 and FY 2016 include limited emphasis on the EPA priorities and identification of mutual roles. In FY 2017, Region 8 will reinvigorate work to better identify priorities for each reservation and work with tribes as environmental partners to plan and guide its work. Region 8 will develop reservation-specific regional workgroups to assist in the development of these ETEPs.

- **Internal Involvement:** *OPRA, TAP*; all Region 8 programs with water, air, waste (including UST/LUST), pesticides, brownfields, and voluntary program responsibilities.
- **Federal, State, Tribal and Local Partner Involvement:** Region 8 Tribes, Housing & Urban Development (HUD), BIA, IHS
- **FY 2017 Regional Annual Commitment:** Develop and approve 19 ETEPs to guide mutual work on each reservation in Region 8. The reservation-specific multimedia strategies should be holistic in nature, identify efficiencies and barriers, and identify whether priorities will likely be addressed with ongoing work or whether additional work is needed. (*target: 19 plans*)

**First Line Supervisor Training** (*HPO*): To strengthen the Region 8 supervisor / manager corps for better management of environmental programs, all new supervisors must take two supervisory training courses. The first course is an eight hour, full day “nuts and bolts” course which addresses merit promotion procedures; recruitment types; HR Line of Business; time and leave training; and labor and employee focus areas. This training is to be accomplished during the first six months after assignment. The second training, “Day 1 Hour 1,” is to be accomplished during the first pay period after assignment. The training consist of face-to face meetings with subject matter experts in time and travel; human resources; labor and employee relations; and ethics. In addition to the two trainings, new supervisors also meet with the Deputy Regional Administrator to discuss his/her role in the region. New supervisors must complete a checklist before the end of the first pay period of their service indicating completion of these three items.

## REGION 8 FY 2017 REGIONAL COMMITMENTS

- **Internal Involvement:** *TMS, Human Resources (HR)*; all Region 8 programs
- **Federal, State, Tribal, and Local Partner Involvement:** N/A
- **FY 2017 Regional Annual Commitment:** All new supervisors will complete the three elements of first line supervisor training before the end of the first pay period of service (*target: 100% of supervisors trained*)

### **Next Generation Approaches in Enforcement, Permitting, and Rulemaking** (*HPO, Partnerships*):

Identify and promote Next Generation integration into standard program processes. Develop a community of practice to evaluate national best practices to develop program specific Next Generation enforcement settlement examples for utilization in all appropriate cases. Hold cross-programmatic discussions with Region 8 programs regarding opportunities and national best practices to incorporate Next Generation approaches into Region 8 permitting and rulemaking. As appropriate, begin development of a plan to incorporate these best practices into program processes.

- **Internal Involvement:** *ECEJ, PJ*, LEP and TEP; OPRA
- **Federal, State, Tribal, and Local Partner Involvement:** All state and tribal partners where enforcement activities encompass Next Generation implementation.
- **FY 2017 Regional Annual Commitment:** Report specific outcomes associated with Next Generation implementation. (*indicator measure; report narrative results*)

**Partnership for Sustainable Communities** (*Communities, Sustainability, Partnerships*): The Partnership for Sustainable Communities (PSC) with multiple federal agencies (including HUD, Department of Transportation, Federal Emergency Management Agency, US Department of Agriculture, Economic Development Agency, and Health & Human Services) meets the goals of three of the Agency's Cross Agency Strategies: *Communities, Sustainability, and Partnerships*. In alignment with the *Sustainability Cross Agency Strategy*, a major goal and outcome of the PSC is to support and encourage sustainable decisions and approaches within federal, state, and local agencies that promote better environmental, economic, and social outcomes for communities. The PSC also significantly strengthens Region 8 partnerships with the state, tribal and local government partners. EPA programs are significantly involved in PSC projects, which include a strong EJ component.

- **Internal Involvement:** *OPRA, PES*, TAP, and Water Program; EPR, EP, AR, and SR; ECEJ, PJ; TMS, GAP
- **Federal, State, Tribal, and Local Partner Involvement:** State community development agencies, state transportation agencies, city elected officials, and city planners; Oglala Sioux Tribe; Thunder Valley (non-profit)
- **FY 2017 Regional Annual Commitment:** Coordinate cross-programmatic support for selected PSC priority projects: Oglala Sioux Tribe (OST) Promise Zone and Sustainability Plan Implementation, a multiple federal agency effort to support goals of the OST and Thunder Valley around enhancing capacity, planning, infrastructure development, and youth support. The outcomes for these projects will reflect the degree to which the EPA programs collaborate to support and leverage resources, through participation in meetings, technical assistance and funding if available. (*indicator measure; report narrative results*)

### **Planning for Federal Sustainability in the Next Decade** (*Sustainability, HPO, Partnerships*):

*EO 13693: Planning for Federal Sustainability in the Next Decade* requires each EPA and General Services Administration (GSA) regional office, in coordination with federal executive boards, Department of Defense, and other agencies, to convene regional interagency workgroups to identify and address: sustainable operations of federal fleet vehicles; water resource management and drought

## REGION 8 FY 2017 REGIONAL COMMITMENTS

response opportunities; climate change preparedness and resiliency planning in coordination with state, local, and tribal communities; and opportunities for collective procurement of clean energy to satisfy energy demands for multiple agency buildings. The collaboration among agencies and with others demonstrate the Federal Government's leadership to reduce greenhouse gas emissions with improved efficiencies and efficiency of practices to achieve the goals of the EO, to reduce greenhouse gas emissions by as much as 40% in the next decade.

- **Internal Involvement:** *OPRA, PES, Environmental Stewardship Unit*; all Region 8 programs
- **Federal, State, Tribal and Local Partner Involvement:** Other federal agencies, Region 8 state departments of environmental quality, and other state agencies as topic appropriate
- **FY 2017 Regional Annual Commitment:** Continue to provide technical support to GSA to help identify topics, speakers, and agencies facilitate meetings and follow-up on various activities. Conduct outreach to additional federal agencies and other stakeholders to engage them in these workgroups. Work with GSA to prepare quarterly reports for the Council of Environmental Quality on the progress of implementing EO 13693. (*indicator measure; report narrative results*)

**Procurement Small Business Goals** (*HPO*): Region 8 tracks small business statistics monthly to ensure support of the Agency's small business goals. The goals for FY 2017 are: Small Business (41.75%); Small Disadvantaged Business including 8(a) firms (5.0%); Women-Owned Small Business (5%); HUBZone Certified by SBA (3%); and Service-Disabled Veteran-Owned Small Business (3.0%). Special emphasis will be placed to the Region 8 program offices when goals are not being met as well as when they are being achieved.

- **Internal Involvement:** *TMS, Grants & Audits Procurement Program (GAP)*; all Region 8 programs that make procurements
- **Federal, State, Tribal, and Local Partner Involvement:** N/A
- **FY 2017 Regional Annual Commitment:** Report outcomes in achieving each Region 8 procurement small business goal. (*target: 80% of small business goals met at 9/30/17*)

**Regional Process Improvement** (*HPO*): Per the FY 2104 – 2018 EPA Strategic Plan, "EPA is committed to process improvement through the application of Lean methodologies and other business practice improvement techniques, as well as the engagement of the expertise and insights of Agency employees to identify opportunities to increase efficiency and effectiveness." To address this component of becoming a High Performing Organization, the Agency is focusing its efforts to foster a culture of continuous improvement to make Agency operations and business processes more efficient and effective. In October 2014, Region 8 formed its Process Improvement Network (PIN) to help facilitate organizational change, to promote process improvement techniques (e.g., Lean) in Region 8, and to execute process improvement projects in the region. The purpose of the Region 8 PIN is to systematically improve the way we do business by leading, facilitating, coaching and otherwise promoting process improvement efforts across the region. PIN members promote the importance of creating a continuous improvement culture and consistently engage others toward positive change in Region 8.

- **Internal Involvement:** *TMS, FMP*; members of the Region 8 PIN, Region 8 programs
- **Federal, State, Tribal, and Local Partner Involvement:** Process improvement efforts may include federal, state, tribal, and local partners, when appropriate.
- **FY 2017 Regional Annual Commitment:** Market and promote all manners of process improvement activities in Region 8 by educating both staff and managers on the merits of process improvement methods (e.g. Lean) in making Region 8 work processes more efficient.

## REGION 8 FY 2017 REGIONAL COMMITMENTS

Lead and facilitate no fewer than 10 process improvement projects (inclusive of five full scale Kaizen events) in Region 8. *(indicator measures; report both narrative and quantitative results)*

**Regional Space Configuration (HPO):** Region 8 is working in collaboration with GSA and the National Enforcement Investigations Center (NEIC) on two projects: the Region 8 new lease project and, the Region 8 / NEIC lab co-location. This work is important as it incorporates the requirements of greening the Federal Government by right-sizing the Region 8 real estate footprint, and in doing so, reducing energy needs, and creating cost savings for the Agency.

- **Internal Involvement:** TMS, Infrastructure; EPR; NEIC; all Region 8 programs
- **Federal, State, Tribal, and Local Partner Involvement:** GSA
- **FY 2017 Regional Annual Commitment:** Report activities completed and outcomes (e.g., timelines and budgets met) achieved for both space configuration projects: new lease project and lab co-location. *(indicator measure; report narrative results)*

**Reorganization and Formation of the Office of Water Protection (HPO):** Since 1995, the water related programs in Region 8 have been spread across three different offices. In an effort to better align like work to maximize efficiency and increase engagement, Region 8 is reorganizing to form a new Office of Water Protection (OWP). The OWP is currently scheduled to be created on October 1, 2016.

- **Internal involvement:** OPRA Water; EPR, EP; ECEJ, Water TEP
- **Federal, State, Tribal, and Local Partner Involvement:** State and tribal water programs; EPA Office of Water; water associations; interest groups.
- **FY 2017 Regional Annual Commitment:** Using expert facilitation experience, the combined leadership team will develop a charter for OWP that articulates a cohesive vision, values, goals, decision-making, dispute resolution processes, and communication norms for the new OWP leadership team. The new charter will be used to develop joint priorities for work planning. *(indicator measure; report narrative results)*

**Timely Obligation of Funds (HPO):** Region 8 continually strives to ensure high obligation rates of resources during their first year of availability to demonstrate the continuing need for the funds and most effectively achieve the Agency's mission. With increased Congressional and OMB attention and decreasing budgets, this effort becomes more critical and couples with the focus upon unliquidated obligations. Recent Agency level sweeps and taps of unobligated funds further demonstrates the need for valuable resource planning at all levels to ensure the Region is ready to effectively and efficiently utilize resources once an enacted operating plan is received.

- **Internal Involvement:** TMS, FMP; all Region 8 programs that received funds
- **Federal, State, Tribal, and Local Partner Involvement:** N/A
- **FY 2017 Regional Annual Commitment:** Region 8 will ensure timely obligation of funds, in their first year of availability for all appropriations; excludes, pay, travel, recertified, no-year carryover, and special account funds. *(target: 92% of funds obligated by 9/30/2017)*

**Tribal Grants and Financial Management (Communities, Partnerships, HPO):** Create and foster multi-agency teams to provide grants and financial management assistance to the Standing Rock Sioux Tribe; the Oglala Sioux Tribe; the Chippewa Cree Tribe on the Rocky Boy's Reservation in Montana; the Cheyenne River Sioux Tribe; and the Crow Indian Tribe. Cross-programmatic teams will work together with the tribes with on-site visits with each tribal nation to introduce tribes to MAX.gov or increase their proficiencies using MAX. These efforts will result in better tracking of grant and assistance dollars for each of the tribes. Report significant accomplishments as a result of the team's efforts.

## REGION 8 FY 2017 REGIONAL COMMITMENTS

- **Internal Involvement:** *TMS, GAP*; Region 8 programs that work with tribal grants
- **Federal, State, Tribal, and Local Partner Involvement:** Standing Rock Sioux Tribe; the Oglala Sioux Tribe; the Chippewa Cree Tribe on the Rocky Boy's Reservation in Montana; the Cheyenne River Sioux Tribe; and the Crow Indian Tribe
- **FY 2017 Regional Annual Commitment:** Report outcomes achieved in the financial inputs submitted into MAX.gov, as well as improved audit information in reports. (*indicator measure; report narrative results*)

### REGION 8 CROSS-PROGRAMMATIC WORK

**Consistent Field Operations:** In FY 2013, EPA's Acting Administrator distributed a memorandum, which directs all EPA organizations conducting field activities to implement a sustainable management system that incorporates all ten Field Operations Group (FOG) Guidelines by February 15, 2016. After this directive was issued, the FOG Guidelines were established as part of EPA's quality policies, and a name change occurred. The FOG Guidelines are now referred to as the EPA QA Field Activity Procedure [QAFAP] (CIO 2105-P-02.0). The initial focus is to implement the QAFAP internally at EPA. The QAFAP provides the framework to establish a field quality management system. Specifically, compliance with the QAFAP is required for all programs that conduct field activities, which include, but are not limited to: 1) planning and conducting on-site inspections of the following sites: facility permit operations, maintenance practices, self-monitoring practices, field recordkeeping practices and field sampling/measurement practices for gathering data/potential evidence for all EPA programs and 2) planning and carrying out field studies/investigations/evaluations for gathering and developing data/potential evidence, including, but not limited to, field observations (including photographs), field measurements, sample collection, and field engineering evaluations for EPA programs that conduct ambient and compliance monitoring and other comprehensive studies/evaluations (both short and long term). Region 8 is committed to conducting high-quality fieldwork, which is foundational to accomplishing EPA's mission. Early in 2012, Region 8 took steps to create and hire a Field Operations Lead position (detail) to shepherd these efforts. Implementing the QAFAP falls within EPA's core values of science, transparency, and the rule of law and the *Embracing EPA as a High-Performing Organization Cross-Agency Strategy*.

- **Internal Involvement:** *TMS, Field Operations Lead*; all Region 8 offices
- **State, Tribal, and Local Partner Involvement:** State and tribal partners are not directly affected at this time. States and tribes should plan to establish an approach to implement the QAFAP that is specific and appropriate for each of their respective organizational structures and management systems.
- **FY 2017 Regional Annual Commitment:** All Region 8 offices that are involved in field activities shall participate in internal and external assessments to ensure full QAFAP implementation. These offices shall address all findings, and/or refine their systems and procedures so that they are in alignment with the QAFAP and the Regional Field Operations Management System. All Region 8 offices shall work through the Field Operations Lead to review/assess their field quality management systems and/or address assessment findings. The implementation approach will be specific to EPA Region 8 personnel only. (*indicator measure; report narrative results*)

**Consolidate Compliance with ESA and NHPA Requirements:** In FY 2017, Region 8 will coordinate across programs to finalize a draft proposal for a long-term agreement with federal surface authorizing

## REGION 8 FY 2017 REGIONAL COMMITMENTS

agencies, e.g., BLM and BIA, to ensure all federal actions and undertakings comply with both the Endangered Species Act (ESA) and Natural Historic Preservation Act (NHPA). The main objective of the agreement is to ensure these agencies address any ESA or NHPA-related impacts during their project review so that EPA can reference this agreement to document its compliance with ESA and NHPA for each permit issued for these projects. Region 8 will coordinate with these agencies, in collaboration with the appropriate tribes to fulfill EPA's trust responsibilities.

- **Internal Involvement:** *OPRA, Water Program, UIC Unit and Air Program, Air Permitting, Monitoring, and Modeling Unit*; OPRA, TAP; ORC; EPR, EP and Superfund Programs
- **Federal, State, Tribal, and Local Partner Involvement:** Region 8 state and tribal historic preservation offices
- **FY 2017 Regional Annual Commitment:** Obtain signatures on a final agreement by 9/30/2017. (*indicator measure; report narrative results*)

**Environmental Protection in the Bakken Formation:** In recent years, the greater Williston Basin in western North Dakota experienced significant increases in exploration, development, and production of oil and gas from the Bakken shale formation. The resource development activities resulted in exponentially more wells with storage tanks that emit air pollution and more spills. In addition, pits, other liquid and waste handling facilities, and transportation activities are sources of spills. The population growth associated with the Bakken boom created additional environmental concerns including septage disposal and runoff from construction activities. There is also an EJ component to the Bakken growth, and there is a significant level of community interest surrounding the increased activity. Region 8 is working to address these environmental and human health-related concerns through various statutory and regulatory mechanisms (e.g., CAA, SDWA, and CWA, and RCRA) and through compliance assistance efforts. Region 8 formed a Bakken Team to: (1) ensure safety of R8 field inspectors; (2) build tribal and state partnerships to maximize efficiencies and assist in capacity building where needed – to include working with the MHA Nation to determine air quality monitoring needs on the Reservation and opportunities to address those needs; (3) address the highest environmental threats (and especially those in potentially disproportionately impacted areas) within existing authorities; (4) identify gaps between authorities and environmental impacts; (5) communicate cross-program and share information so team members understand the entire Bakken picture and speak with consistency as one voice; (6) leverage Bakken Federal Executive Group partners, and (7) engage with impacted communities. The Bakken Team plans to continue to identify and monitor activities in the Bakken, including compliance monitoring, permitting, emergency response planning / response and EJ activities, and track progress towards these purposes to assure environmental protection in the Bakken.

- **Internal Involvement:** *ORA, Energy Advisor*; ORC; OPRA, TAP; EPR; ECEJ; OCPI; and MOO
- **Federal, State, Tribal, and Local Partner Involvement:** The Region's work in the Bakken significantly affects the work of state and tribal partners. Region 8 will continue its efforts to partner with the MHA Nation, North Dakota Department of Health, BIA, Bureau of Land Management, USACE, the North Dakota Industrial Commission, and members of the Bakken Federal Executive Group to assess and address environmental and human health concerns associated with this increased development.
- **FY 2016 Regional Annual Commitment:** Report accomplishments of the Bakken Team in meeting its objectives related to: inspector safety; tribal and state capacity building; addressing environmental threats; gap identification; cross-program communication; federal partnerships, and community engagement. (*indicator measure; report narrative results*)